

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
July 19, 2018
Oakland, California**

I. PUBLIC MEETING**A. CALL TO ORDER AND INTRODUCTIONS**

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:07 a.m., July 19, 2018, in the Auditorium of the Harris State Building, Oakland, California.

ATTENDANCE**Board Members Present**

Dave Thomas
David Harrison
Chris Laszcz-Davis
Laura Stock

Board Member Absent

Barbara Smisko

Board Staff

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
Peter Healy, Legal Counsel
Lara Paskins, Staff Services Manager I
David Kernazitskas, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health

Eric Berg, Deputy Chief of Health

Others Present

Pamela Murcell, CA Industrial Hygiene
Council
Steve Johnson, Walters & Wolf
Dan Leacox, Leacox & Associates
Nicole Marquez, Worksafe
Elizabeth Treanor, PRR
John MacLeod
Kevin Thompson, Cal/OSHA Reporter
Ken Clark, BB&T

Jodi Blom, CA Framing Contractors Assoc.
Kevin Bland, CFCA/RCA/WSC
Marti Fisher, CalChamber
Amber Rose, Federal OSHA
Kris Cho, Worksafe
David Jones, AGC of CA
Michael Strunk, IUOE Local No. 3
Bruce Wick, CALPASC
Nola J. Kennedy, CA State Univ., Northridge

B. OPENING COMMENTS

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Elizabeth Treanor, Phylmar Regulatory Roundtable, thanked Ms. Hart for her years of hard work and dedication to the Standards Board. She said that Ms. Hart has always been open and willing to listen to what everyone has to say. She stated that the reputation of the Board as being dedicated to worker safety and health in California has been improved under Ms. Hart's leadership, and Ms. Hart has never been afraid to tackle tough situations with wisdom and grace. She said that she is grateful for Ms. Hart's ability to understand the system and to make sure that things get done.

Marti Fisher, California Chamber of Commerce, thanked Ms. Hart for her phenomenal leadership of the Board and staff. She said that thanks to Ms. Hart's leadership, the Board and staff have always been very open and transparent with the public, and the approach to regulations and rulemaking is fair, balanced, and thoughtful. She stated that under Ms. Hart's leadership, stakeholders and the public always feel like they are being heard.

Dan Leacox, Leacox & Associates, thanked Ms. Hart for her dedicated service, her openness, and her willingness to help. He said that he has worked with many administrators over the years, and he feels that Ms. Hart is the best administrator in the state of California.

Bruce Wick, CALPASC, thanked Ms. Hart for her high level of leadership and respect that she has given to all sides of various issues, to her staff, and to stakeholders. He said that other government agencies don't always do that. He said that doing this has allowed stakeholders to sit down and discuss differences, and work through disagreements and challenges to reach the goal of protecting workers in the field.

Kevin Bland, representing the California Framing Contractors Association, the Residential Contractors Association, the Western Steel Council, and the Free Speech Coalition, thanked Ms. Hart for her work. He said that when Ms. Hart leaves, there will be a gaping hole that cannot be filled. He stated that under Ms. Hart's leadership, the Standards Board has become a very well run organization. He said that he has learned a lot from Ms. Hart and admired how she has put her heart and soul into her work, while balancing many complexities and personalities.

Len Welsh, former Division Chief, thanked Ms. Hart for her service. He said that with Ms. Hart's departure comes the end of an era where both labor and management have been served beautifully. He stated that he hopes the new Executive Officer will come to understand and embrace the culture that has been modeled by Ms. Hart.

John MacLeod, former OSH Standards Board Chairman, stated that he worked with Ms. Hart in different capacities for 20 years, and she is a pleasure to work with. He said that she works very hard and makes herself indispensable to every job that she has undertaken. He stated that she works well with people and is very results-oriented. He wished her a wonderful and happy retirement.

Ms. Stock stated that it takes special skills to manage competing interests between labor and management, and be fair to all viewpoints, and Ms. Hart has done that well. She said that Ms. Hart has also helped the Board Members find the middle ground and has advised Board Members on what the best way is to go about doing things. She stated that Ms. Hart has done a wonderful job, and she will miss working with her.

Ms. Laszcz-Davis stated that Ms. Hart has been superb at her job. She said that Ms. Hart has a rare skill where she is able to temper the Board and the input received from stakeholders so that collaboration can happen and a resolution can be reached that is good for everyone.

Mr. Harrison stated that he has appreciated Ms. Hart's leadership. He said that Ms. Hart has a gift for bringing people together from both labor and industry and helping them to compromise and work together to improve worker safety and health.

Mr. Thomas stated that it has been a pleasure working with Ms. Hart, and he thanked her for her wonderful work. He said that Ms. Hart has been the rock for the Board and staff, and she has helped them get through many things. He stated that she has made it easy for the Board Members to come and do their job of protecting worker health and safety in California.

Ms. Hart thanked everyone for their kind words. She also thanked the Board staff for their hard work, and the stakeholders for working with the Board and staff. She said that it is a challenge to pass standards that meet the minimum requirements of Title 8, and are not overly burdensome, and yet regulations that seemed impossible have come together thanks to the Board, the Board staff, and stakeholders working together. She thanked the Board Members for always being willing to step up and do what's needed. She said that it has been a pleasure working for the Board and doing work that is meaningful. She stated that she is looking forward to doing many things in her retirement.

C. ADJOURNMENT

Mr. Thomas adjourned the public meeting at 10:31 a.m.

II. **BUSINESS MEETING**

Mr. Thomas called the Business Meeting of the Board to order at 10:31 a.m., July 19, 2018, in the Auditorium of the Harris State Building, Oakland, California.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Healy stated he is aware of no unresolved procedural or legal issues regarding items A-H on the consent calendar, and he believes that those items are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Laszcz-Davis to adopt the consent calendar.

A roll call was taken, and all members present voted “aye.” The motion passed.

B. OTHER

1. Division Update on Rulemakings and Advisory Committees

In addition to the written copy of the Division Update that has been provided in the Board packet [Please see the file copy of the Board packet to view this document], Mr. Berg provided the following updates:

Antineoplastic Drugs: The Division is working with the health department and stakeholders on the economic impact analysis.

First Aid Kit: The Division has been working on this project with the Board staff and the Director’s office, and it is almost ready to begin the formal rulemaking process.

Indoor Heat: The Division has posted the minutes from the advisory committee meetings on its website, as well as more draft language. The Division staff is reviewing comments received in response to the draft language and will propose another draft based on those comments.

Lead in Construction and General Industry: The Standard Regulatory Impact Analysis (SRIA) is still being worked on by a certified contractor, but it should be done sometime this summer.

Marijuana: The Division held an advisory committee earlier this year and will present a report to the Board on behalf of the advisory committee in September.

Workplace Violence in General Industry: The Division is reviewing comments received following the advisory committee that was held earlier this year. A revised draft will be posted shortly on the Division’s website, along with the advisory committee meeting minutes.

Mr. Berg stated that the Division is planning the following advisory committees:

- An advisory committee will be held in early 2019 to address naturally-occurring asbestos.
- The Health Experts Advisory Committee (HEAC) will have its quarterly meeting on September 4, 2018 to discuss permissible exposure limits (PEL’s) for the following substances:
 - Tetrabromomethane
 - N-Propanol
 - Cyclohexane
 - Trimellitic Anhydride
 - Peracetic Acid
 - Hydrogen Sulfide
 - Manganese
- An advisory committee meeting will be held before the end of 2018 to address surgical plume.

Mr. Berg thanked Ms. Hart for her work with the Division and wished her a happy retirement.

Ms. Stock asked Mr. Berg if he had a more specific timeframe for when things will happen regarding the proposals for workplace violence prevention in general industry and indoor heat.

Mr. Berg stated that he did not have any further information, but he hopes that updated drafts of both proposals will be posted on the Division's website in the next 3 to 4 months.

Ms. Hart asked Mr. Berg if he had any updates on the proposal for the Elevator Safety Orders. **Mr. Berg** stated that he did not have any updates.

2. Legislative Update

Mr. Healy stated that among the bills being tracked, AB 1761 and AB 2934 are the only two bills that are still active. He said that AB 1761 pertains to protecting hotel workers from workplace violence and harassment from guests, as well as accommodating workers' needs in the event that they experience these types of events. AB 2934 proposes shifting the function of certifying worker competence to perform lead-related construction and remediation from the state to the counties. He stated that neither of these bills have been substantially amended or advanced out of the committee process since the last Board Meeting.

3. Executive Officer's Report

Ms. Hart stated that interviews are being conducted next week to find a good candidate to fill the Executive Officer position. She said that the Board hopes to have someone qualified hired into the position soon.

C. OTHER

4. Future Agenda Items

No future agenda items were mentioned by the Board.

D. CLOSED SESSION

The Board discussed only the closed session item listed on the Agenda, and no action was taken during the closed session.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 10:47 a.m.